MOTOR TRANSPORT BOARD

ANNUAL REPORT
1987-88

Yukon
Community and Transportation Services

91-06477/

Yukon

Motor Transport Board
Box 2703, Whitehorse, Yukon Y1A 2C6
(403) 667-5811 Telex 036-8-260

Our File: 3204-1
Your File:

1988 08 23

The Hon. Piers McDonald
Minister
Community and
Transportation Services
Government of Yukon
P.O. Box 2703
Whitehorse, YK
Y1A 2C6

Dear Mr. McDonald:

I take pleasure in submitting the Annual Report of the Yukon Motor Transport Board for the year ending March 31, 1988.

Please note that Section 24.(1) of the Motor Transport Act requires this report be tabled at the next session of the Legislature.

Respectfully submitted,

J.H. Yamada
Chairman
Motor Transport Board

Attach.

LMA/mhm

MOTOR TRANSPORT BOARD

ANNUAL REPORT

For the Year Ending

March 31, 1988

Motor Transport Act

Section 19

1. THE BOARD

Statutory Authority

The Motor Transport Board is appointed under authority of Section 4 of the Motor Transport Act.

Membership

Chairman	J. H. Yamada
Vice Chairman	Arthur Christensen
Member	Jean Murphy
Member	Byrun Shandler
Member	Dan Finch

Staff

Secretary	Robert Z. Iwanicki
Assistants to the Secretary	Kim Bicudo and Lynn Alcock

Office Location

Lynn Building, 308 Steele Street
Department of Community and
Transportation Services
Whitehorse, Yukon

Mailing Address

P.O. Box 2703
Whitehorse, Yukon
Y1A 2C6

Telephone

(403) 667-5782

Reporting

The Board reports to the Minister of Community and Transportation Services

2. THE BOARD'S MANDATE

The Board's primary mandate is to consider applications for "Operating Authority" which is required to operate a motor vehicle on a highway for the purpose of transporting goods or passengers for compensation. To ensure it has complete information upon which to base its determinations, the Board convenes public hearings and solicits public input.

The Board's overall objective is to regulate the Yukon motor transport industry to foster a healthy and competitive industry that provides reliable and efficient service to Yukon consumers and a sound framework for economic development.

The Board's primary mandate is to "protect" the public interest, and to foster development of a reliable and efficient motor transport system. It offers "protection" to existing carriers to the extent it considers appropriate for consistency with this objective because it believes an economically viable motor transport industry is in the public interest. However, the Board believes it must ensure that regulation is not carried to an extent where the incentive to provide quality service at competitive rates is diminished. Therefore, it believes that carriers should not rely on the Board for protection, but should assure their success through aggressive marketplace activity.

3. THE REGULATORY PROCESS

In deciding upon applications for "operating authority" and adjudicating complaints, the Board acts on a quasi-judicial basis, and gives due regard to "natural justice", including principles such as:

1) the members must be impartial - for example, they must not have a personal or financial interest in the outcome of a Board decision;

2) the Board members must not enter private discussions on matters before the Board with interested parties - including representatives of the regulated carrier, intervenors, and interest groups;

3) only the Board members who hear all the evidence and arguments may participate in rendering a decision;

3. THE REGULATORY PROCESS (continued)

4) the Board members have a duty to act in good faith and listen fairly to all parties, and to ensure each party has ample opportunity to correct or contradict any relevant statement prejudicial to his point of view;

5) the Board has a duty to decide matters for which it has an exclusive mandate on the basis of the evidence it receives from the parties, and its own judgement - therefore, it must operate outside the political arena, although it may take government policy and evidence, if publicly presented, into account;

6) all parties before the Board have equal status.

4. BOARD ACTIVITY: APRIL 1, 1987 - MARCH 31, 1988

a) Budget

The Board's expenditures were as follows:

	1987/88	1986/87
Travel	$ 3,300.00	$ 3,100.00
Honoraria	10,500.00	13,700.00
Telephone, Advertising & Miscellaneous	6,150.00	7,000.00
TOTAL	**$19,950.00**	**$23,800.00**

In addition, the Board's Secretary and other staff were supplied by the Department of Community and Transportation Services.

b) Public Hearings

The Board held 7 public hearings, encompassing 8.5 days to consider 87 applications for operating authority.

Of these applications, 61 were approved as applied for, 6 were approved in amended form, 4 were denied, and 18 were deferred, and 2 were withdrawn by the applicant.

4. BOARD ACTIVITY: APRIL 1, 1986 - MARCH 31, 1987 (continued)

c) Business Meetings

The Board convened business meetings involving 11.5 days to consider policy issues and miscellaneous items of business, including applications for interim operating authority, applications for transfer of operating authority, and certificate review.

The Board approved 20 Interim Operating Authorities and 5 Transfers of Operating Authority.

The Board addressed 136 issues during its business meetings.

d) Certificates and Public Carrier Single Trip Permits

There were 409 certificates in force at year-end. A comprehensive list of certificate holders and the authority conferred by their certificates has been prepared at the Board's request and is available through the Board secretary.

A total of 382 Public Carrier Single Trip Permits were issued during the year, of which 16 were for out-of-Yukon trips.

e) Annual Review

The Board continues to review certificates on a case-by-case basis as it receives information that certificates are not being utilized.

f) Policy Development

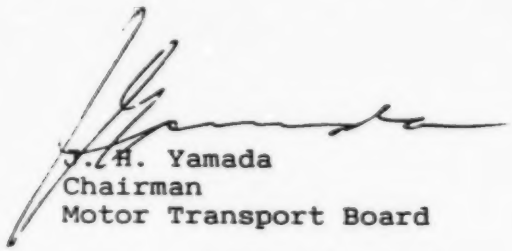
The Board was actively consulted by the Department of Community and Transportation Services during its' development of the Motor Transport Act, Regulations, and Commodity List.

The implementation of this Act necessitated a thorough review by the Board of its' policies and planning so operational guidelines could be in place to assist them in the initial phases of implementation. This exercise will continue into the new year as new developments occur.

5. GENERAL

The members wish to thank those employees in the Department of Community and Transportation Services who provided support during the year.

Respectfully submitted,



J. H. Yamada
Chairman
Motor Transport Board

Date: August 23, 1988